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C O N F I D E N T I A L SECTION 01 OF 02 AMMAN 006160

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TAGS: [PGOV](#) [KWMN](#) [JO](#)

SUBJECT: PERSONAL STATUS LAW DEFEATED, AGAIN

Classified By: Charge d'Affaires David Hale for reasons 1.5 (b)(d)

SUMMARY

1. (C) Despite lobbying by activists, conservative, tribal, and Islamist members of Jordan's Lower House of Parliament joined to reject for a second time a provisional "Personal Status Law" that gives a woman the right to divorce her husband. Dubbed the "khuloe law," it also includes a provision to raise the legal, marriageable age for both men and women to 18. The vote surprised and angered women's activists. Despite the setback, activists and the GOJ are intent in seeing the law pass, and will look to the (royally-appointed and more liberal) Senate to advocate strongly for its passage. Meanwhile, the original provisional law remains in force unamended. This relatively rare parliamentary resistance to the government is a sign of the political ineptness of the Fayez government in dealing with Parliament. It also highlights the irony that the strongest supporters of the monarchy, well-represented in a gerrymandered Parliament that favors tribal and rural elements, are also among those most resistant to the King's progressive social reform agenda. End Summary.

PERSONAL STATUS LAW FACES YET ANOTHER SETBACK

2. (U) The Lower House of Jordan's Parliament on June 27 voted for a second time to reject the provisional Personal Status Law that would give women the right to divorce their husbands (known as "khuloe" in Arabic). A narrow majority (44 of 83 members present), comprised mainly of Islamist, conservative, and tribal members voted against the law, which also would raise the legal marriageable age to 18 for both men and women. (It previously was 15 for women and 16 for men.) Critics of the "khuloe law" charge that it encourages family disintegration and immorality.

3. (C) The law has been a lightning rod in the struggle between the reform-minded regime and its socially-conservative Lower House. To the chagrin of activists, the law was rejected by a wide margin in August 2003. Activists and GOJ officials lamented that the law was brought to a vote so quickly, before MPs could educate themselves (or activists could lobby them) about the law. GOJ officials had not explained the law well before it was brought for a vote, and were taken aback by the vehement opposition. Activists complained that many MPs voted negatively in August not because they opposed the law itself, but out of anger with the GOJ for dismissing parliament and pushing forth laws in its absence.

4. (C) The controversial law has bounced back and forth between the two houses of Parliament over the last year. After the Lower House's rejection in August, the law was sent to the Upper House for consideration. Meanwhile, activists initiated a country-wide lobbying effort, organizing town meetings and enlisting religious leaders to explain that khuloe is sanctioned by Sharia. The Legal Committee of the Upper House on August 25 recommended its passage. From there, it was returned with amendments to the Lower House whose Legal Committee undertook a review in September 2003. Last month, the Committee finally announced its endorsement of the law. Despite the committee's recommendation, the law was voted down on June 27. Three of six female MPs voted in favor, two voted against, and one did not show up for the vote.

ACTIVISTS SLAM MPS

5. (C) The second rejection angered activists and GOJ officials. Activists ridiculed many MPs' comments about the law as ignorant and backward. For example, Islamic Action Front (IAF) MP Mohammad Abu Fares, who voted against the law, publicly charged: "This law gives women the right to divorce their husbands to pursue affairs with other men they like better than their husbands." According to IAF Deputy Ali Utoum, "Women who initiate divorce proceedings under this law are often women of comfort and leisure who don't care about their families."

16. (C) During a meeting with PolOff after the vote, University of Jordan Professor Bashir al-Khadra labeled opponents of the personal status law "stupid," noting that Islamic scholars and religious officials have accurately explained that khuloe is sanctioned in the Qur'an. (Minister of Awqaf and Religious Affairs Ahmed Hilayel publicly defended the Upper House's endorsement and countered IAF and other deputies' claims that the law contradicted Sharia.) Hamdi Murad, a professor of comparative religions and Islamic studies at al-Balq'a University, agreed. He told PolOff he had strongly advocated passage of the law in various forums, saying that most who voted in opposition were not experts in Islam. He lamented that some people would simply not change their minds despite his best efforts to explain the issue.

17. (C) However, several activists blamed politics for the law's defeat. Anger at the GOJ for other matters prompted many to vote against the personal status law "because they could," according to human rights activist Fawzi Samhoury. He believes that the law eventually will pass because it is logical and consistent with Islam, but the government (and NGOs) will have to put forth an even stronger lobbying effort.

GOJ, ACTIVISTS VOW TO FIGHT ON

18. (C) Now that the Lower House has rejected the law for a second time, it will return to the Senate for re-consideration. If the Upper House decides again to approve the law (as most activists expect), the Jordanian Constitution requires both Houses to convene in joint session for a debate and final vote. No timetable has been announced, but Senate President Zaid Rifai insists the GOJ is intent on passing the khuloe law.

19. (C) According to activist Nuha Maayta, the GOJ initiated a strong lobbying effort after the khuloe law was initially rejected in August, but in recent months, other priorities took precedence. She slammed as "useless" the two women MPs (one of whom is an IAF member) who voted against the law, and the one who failed to show up for the vote. Secretary General of the Jordanian National Commission for Women (which spearheaded the lobbying effort last summer) Amal Sabbagh lamented to PolOff that she felt the GOJ has a tendency to sacrifice initiatives that favored women's empowerment in order to win support for other (usually economic development and financial) priorities.

COMMENT

110. (C) Activists are disheartened by the Lower House's rejection of the khuloe law given their (and the GOJ's) lobbying efforts, but not totally surprised, noting the Lower House's penchant for ill-informed and socially-conservative behavior. They are hopeful that the more pliable Senate, which includes several prominent women activists, will serve as a catalyst in finally approving the law. The original provisional khuloe law remains in force and unamended until the Parliament takes final action. Activists are committed to its final approval, seeing such a vote as a moral victory against the conservative tide in Jordan.

111. (C) Comment Continued. This rare parliamentary resistance is a sign of GOJ ineptness in dealing with Parliament. (There are also so many "red lines" preventing parliamentary attack on unpopular foreign and security policies, that MPs can't resist a populist issue that falls within the bounds of acceptable debate.) It is ironic that the strongest supporters of the monarchy -- rural, tribal elements bolstered by the gerrymandered electoral districts -- are also the most resistant to the King's progressive social reform agenda.

HALE